

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel*  
ANTONIO GUTIERREZ, and in  
His personal capacity**

**Plaintiff,**

**vs.**

**Case No. CIV-03-774 JP/WDS**

**STATE GOVERNMENT OF THE  
STATE OF NEW MEXICO; the NEW  
MEXICO DEPARTMENT OF TAXATION  
and REVENUE; the NEW MEXICO  
MOTOR VEHICLE DIVISION; the NEW  
MEXICO LEGISLATIVE DEPARTMENT;  
the NEW MEXICO JUDICIAL  
DEPARTMENT;**

**Defendants.**

**MOTION TO INTERVENE**

COMES NOW Movant Thomas Hyland, Citizen, Party Injured, non-licensed attorney, pursuant to Federal Rules of Civil Procedure 24(a)(2) applies to the Court for permission to intervene in the case caption on grounds of being so situated that the disposition of the action underway may, as a practical matter, impair Movant's statutory and constitutional interests and that the evidence available to Movant is that those interests are not being protected in the Court to date based upon decisions thus far made supporting the defendants. Movant states as grounds therefor and by memorandum brief in support thereof, the following:

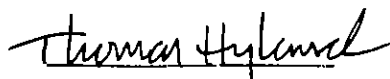
- 1) Pursuant to said Rule 24(b), Title 42 U.S.C. §§ 1986 and 1985 are congressional statutes which confer conditional rights applicable to Movant's standing to intervene, and 18 U.S.C. §§ 241 and 371 are federal statutes embracing the gravamen of Plaintiff's main

claim which protects the general public of which Movant is a member, against the criminal acts of public officers deceptively holding office while actively defying the public trust, and actively in control of this litigation. Movant uses the foregoing justification to intervene in support of his own rights secured in the Constitution of the United States of America. Additionally, Movant's claim portends a valid constitutional question or fact in common pursuant to 28 U.S.C. § 2403.

- 2) Pursuant to Rule 24(c), Movant calls into question the constitutionality of an Act of Congress affecting the public interest while the United States, an officer, agency, or employee thereof is ***not a party***, and Movant calls to the Court's attention the constitutionality of state judicial officers intentionally defying congressional legislation and the public trust as more expansively discussed in the Memorandum Brief concurrently filed in support of the instant motion.
- 3) Title 28 U.S.C. § 2403(a) requires the Court to certify the facts of the preceding paragraphs to the Attorney General and shall permit the United States to intervene for presentation of admissible evidence, and for arguments on the question of constitutionality.

WHEREFORE, Movant Thomas Hyland demands the right to intervene to protect Movant's interests in rights secured for Movant in the Nation's Constitution and the Constitution of the State of New Mexico.

Respectfully submitted,



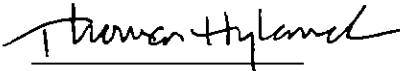
Thomas Hyland, Citizen, Movant  
HC 75 Box 322  
Lamy, New Mexico 87540  
Phone: 505 466-7525

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the foregoing Motion to Intervene was sent first class by U.S. Mail. postage prepaid, this 10<sup>th</sup> day of August, 2003. to the following:

David Tourek  
ANMAG  
P.O. Drawer 1508  
Santa Fe, New Mexico 87504-1508

Antonio Gutierrez  
02 Sunset View  
Santa Fe. New Mexico 87506

  
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Thomas Hyland, Movant